



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

October 25, 1996

Ms. Tracy B. Calabrese
Assistant City Attorney
City of Houston Legal Department
P. O. Box 1562
Houston, Texas 77251-1562

OR96-1933

Dear Ms. Calabrese:

You have asked whether certain information is subject to required public disclosure under the Open Records Act, chapter 552 of the Government Code. Your request was assigned ID#102597.

The City of Houston (the "city") received a request for information pertaining to the arrest and investigation of two particular individuals. You state that the investigation involves allegations of indecency with a child and, thus, you seek to withhold the requested information pursuant to sections 552.101 and 552.108 of the Government Code. You have enclosed a copy of the report for our review.

Section 552.101 of the Government Code in conjunction with Family Code § 261.201 prohibits disclosure of the requested information to the general public. Section 261.201 provides, in pertinent part, as follows:

(a) The following information is confidential, is not subject to public release under Chapter 552, Government Code, and may be disclosed only for purposes consistent with this code and applicable federal or state law or under rules adopted by an investigating agency:

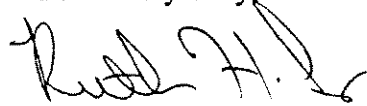
(1) a report of alleged or suspected abuse or neglect made under this chapter and the identity of the person making the report; and

(2) except as otherwise provided in this section, the files, reports, records, communications, and working papers used or developed in an investigation under this chapter or in providing services as a result of an investigation.

Fam. Code § 261.201. The requested information consists of "reports, records, communications, and working papers" used or developed in an investigation made under chapter 261 of the Family Code. Because you have not cited any specific rule that the city has adopted with regard to the release of this type of information, we must assume that no such regulation exists. Thus, the requested records are confidential pursuant to section 261.201 of the Family Code. *See* Fam. Code § 261.201(a). Accordingly, the city must withhold these records.¹

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Ruth H. Soucy
Assistant Attorney General
Open Records Division

SAB/RHS/ch

Ref.: ID# 102597

Enclosures: Submitted documents

cc: Mr. Gerald Bierbaum
P.O. Box 443
Wylie, Texas 75098
(w/o enclosures)

¹Because we conclude that you must withhold the requested records under the Family Code, we need not address the other exceptions that you claim.